

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**INTERNATIONAL BUSINESS
MACHINES CORPORATION,**

Plaintiff,

v.

PLATFORM SOLUTIONS, INC.,

Defendant.

Civil Action No. 06 CV 13565 (LAK)

**JOINT PROPOSAL FOR SELECTION OF
TECHNICAL ADVISOR**

Pursuant to the Court's directive on April 3, 2008, the parties have been discussing the appointment of a technical advisor to assist the Court in this action. The parties have agreed to share the expense of any technical advisor appointed by the Court (50% IBM and 50% PSI). Furthermore, the parties are currently trying to reach agreement on a preferred candidate for the position, and hope to either reach an agreement or at least to narrow the choices down to a small number of candidates. Unless the Court directs otherwise, the parties intend to proceed as follows:


1. The parties will exchange resumes of any proposed candidates no later than 5:00 p.m. on April 21, 2008.
2. If the parties can reach agreement on a single candidate, the parties will send that candidate's resume to the Court on or before April 25, 2008.
3. If the parties cannot reach an agreement by April 25, 2008, then IBM and PSI will each submit a proposal to the Court on April 28th that identifies potential candidates (no more than two for each of IBM and PSI) and includes (a) a copy of the candidates' resumes, including prior expert witness engagements and publications (if available to the

submitting party); (b) a disclosure of any facts of which the parties are aware which might reasonably be perceived as tending to bias or otherwise disqualify or render unsuitable any proposed candidate.

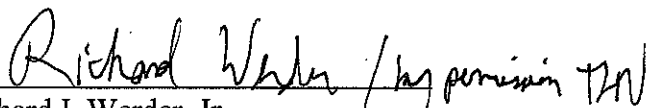
4. Any statements in opposition to a proposed candidate will be filed with the Court on or before May 1, 2008.
5. The parties have agreed to have very limited contacts with potential candidates in advance of submitting proposals to the Court, and contemplate that the Court may wish to ask potential candidates to provide additional information not provided by the parties to assist the Court in evaluating potential candidates.

Dated: April 17, 2008

SUSMAN GODFREY LLP


Stephen D. Susman
Attorney for PSI

**QUINN EMANUEL URQUHART
OLIVER & HEDGES LLP**


Richard I. Werder, Jr.
Attorney for IBM